

STATE BOARD OF EQUALIZATION

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No. 85/71

June 17, 1985

TO COUNTY ASSESSORS:

EXEMPTIONS - SUPPLEMENTAL ASSESSMENTS - LATE FILING

This letter is an update of the following letters to county assessors:

1. June 19, 1984, No. 84/58, Supplemental Assessments, Application of Homeowners', Disabled Veterans' and Veterans' Exemption.
2. July 13, 1984, No. 84/67, Supplemental Assessments, Application of Cemetery, Church, College, Free Public Library, Free Museum, Religious, Veterans' Organization and Welfare Exemptions.
3. January 22, 1985, No. 85/13, Supplemental Assessments -- Late Exemption Claims.

In the letter to county assessors dated January 22, 1985 the following statement is made:

"While it is correct that Revenue and Taxation Code Sections 75.20-75.22, Exemptions, do not contain any late filing provisions, Section 75.1(b) provides that except where the context of the specific provisions of this chapter otherwise require, other provisions of this division apply to assessments made pursuant to this chapter. 'Division' as used in Section 75.1(b), is Division 1 of the Revenue and Taxation Code, which consists of Sections 50 through 5842."

Included in Sections 50 through 5842 are the following subjects and sections. We have added the recommended procedures:

1. Under the provisions of Section 75.21(c) a claimant first has 30 days from the date of the notice to file a claim for exemption timely (the 30 days is applicable regardless of the number of days, months, or years since the change of ownership or completion of new construction).
2. Late filing of the claim for exemption. (A claim filed late for a supplemental assessment is subject to the same statute.) A claim for the homeowners' exemption will be considered late if it is filed after the 30-day period but by December 1 of the same year in which the ownership changed or the new construction occurred. If the

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notice is sent after November 1 of the year in which the event occurred there is no provision for late filing.

<u>Type of Exemption</u>	<u>Last Day To Timely File Regular Claim</u>	<u>Late Filing Statute</u>	<u>Last Day To File Late</u>
a. Aircraft (Supplemental Assessment not applicable - personal property)	3-15 (Sec. 255(a))	None	
b. Works of Art (Supplemental Assessment not applicable - personal property)	3-15 (Sec. 255(a))	None	
c. Cemetery	3-15 (Sec. 255(a))	270	If the claim for exemption for a supplemental assessment is filed by March 1 of the year following the year of the supplemental assessment allow 90 percent exemption; if the claim is filed on or after March 2 of the year following the year of the supplemental assessment allow 85 percent exemption, \$250 maximum.
d. Church	3-31 (Sec. 255(d))	270	
e. College	3-15 (Sec. 255(a))	270	
f. Exhibition (Supplemental Assessment not applicable - personal property)	3-15 (Sec. 255(a))	270	
g. Free Public Library	3-15 (Sec. 255(a))	270	
h. Free Museum	3-15 (Sec. 255(a))	270	
i. Religious	3-31 (Sec. 255(d))	270	
j. Public School	3-15 (Sec. 255(a))	270	
1. Comm. Coll.	3-15 (Sec. 255(a))	270	
2. State Coll.	3-15 (Sec. 255(a))	270	
3. State Univ.	3-15 (Sec. 255(a))	270	
k. Veterans' Org.	3-15 (Sec. 255(a))	270	"
l. Welfare Exemp.	3-15 (Sec. 255(a))	270	"

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<u>Type of Exemption</u>	<u>Last Day To Timely File Regular Claim</u>	<u>Late Filing Statute</u>	<u>Last Day To File Late</u>
m. Disabled Veteran	4-15 (Sec. 276)	276	Dec. 1 of the year of the supplemental assessment, 80% allowed for \$40-60,000 exemption but not for \$100,000 exemption.
n. Homeowner	4-15 (Sec. 255(b))	275	Dec. 1 of the year of the supplemental assessment, 80% allowed.
o. Vessel (Documented) (Supplemental assessment not applicable - personal property.)	4-1 (Sec. 255(c))	275.5	
p. Veteran	4-15 (Sec. 255(a))	273.5	Dec. 1 of the year of the supplemental assessment, 80% allowed.

A. EXPLANATION (Homeowners', exemptions with December 1 late filing deadline)

An exemption may not be allowed on a supplemental assessment if the full amount of the exemption had been allowed on the regular roll for the same year or on a prior supplemental assessment for the same year. Maximum:

	<u>1985</u>	<u>1984</u>	<u>1983</u>
Homeowners	\$ 7,000	\$ 7,000	\$ 7,000
Disabled Veteran	\$100,000	\$40-60,000	\$40-60,000
Veteran	\$ 4,000	\$ 4,000	\$ 4,000

1. Think of the "year" of the supplemental assessment.

- a. If the supplemental assessment is made between July 1, 1985 and June 30, 1986 it is during the year "1985."
- b. If the supplemental assessment is made between July 1, 1984 and June 30, 1985 it is during the year "1984."
- c. If the supplemental assessment is made between July 1, 1983 and June 30, 1984 it is during the year "1983."

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2. Think of the last date for filing late for the type of exemption involved (in this example for the homeowners' exemption).
 - a. In 1a above, the last date to file is December 1, 1985, providing the ownership or new construction completion occurred between January 1, 1985 and November 1, 1985, for the homeowners' exemption (Section 275, Revenue and Taxation Code is applicable).
 - b. In 1b above, the last date to file is December 1, 1984 for the homeowners' exemption (as December 1, 1984 has passed there is no late filing available).
 - c. In 1c above, the last date to file is December 1, 1983 for the homeowners' exemption (as December 1, 1983 has passed there is no late filing available).
3. Determine the date of the mailing of the notice required under the provisions of Section 75.31, Revenue and Taxation Code.
 - a. The claimant always has 30 days from the date of the notice to file the claim; 100 percent of the exemption should be allowed.
 - b. In 1a above:
 - (1) If the notice is mailed on Tuesday October 1, 1985 the 30th day is Thursday October 31, 1985. However, the claimant may file between November 1 and December 1, 1985 and receive 80 percent exemption providing the change in ownership occurred or new construction was completed between January 1, 1985 and November 1, 1985.
 - (2) If the notice is mailed on Monday November 4, 1985, the 30th day is Wednesday December 4, 1985. As the 31st day is after December 1 THERE IS NO LATE FILING AVAILABLE.
 - (3) If the notice is mailed anytime after December 1, 1985 (few days, few weeks, year or more) the claimant has 30 DAYS FROM THE DATE OF THE NOTICE TO FILE A CLAIM, there is no late filing available subsequent to the thirty days.

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NOTE: The examples listed here are applicable for the homeowners', veterans' and disabled veterans' exemptions.

4. EXAMPLES (Homeowners' Exemption - Section 275 is applicable)

a.

<u>Acquired</u>	<u>Moved In</u>	<u>Date of Notice</u>	<u>Date Filed</u>	<u>30 Days</u>	<u>Last Date Late File</u>	<u>Supple. Exemption Allowed</u>	<u>Next Reg. Roll</u>
07-05-84	08-10-84	09-10-84	10-05-84	10-10-84	12-01-84	Yes	Yes
1. Occupied on 36th of 90 days - OK		1. Claim filed on 25th day of 30 days - OK			1. 80 per- cent ex- emption allowed if claim was filed between 10-11-84 & 12-1-84	1984 suppl. allow if not al- ready al- lowed on 1984 reg. roll	One-time filing basis from suppl.
2. Not required to send claim for 1985 regular roll if claim for suppl. is received and exemption is al- lowed prior to 03-01-85.							

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d.

<u>Acquired</u>	<u>Moved In</u>	<u>Date of Notice</u>	<u>Date Filed</u>	<u>30 Days</u>	<u>Last Date Late File</u>	<u>Supple. Exemption Allowed</u>	<u>Next Reg. Roll</u>
07-05-84	07-06-84	05-08-85	06-04-85	06-07-85	12-01-84	Yes	Yes
1. Occupied on 1st of 90 days - OK		1. Claim filed on 27th day of 30 days - OK			No late filing avail 31st day is subsequent to 12-01-84	1984 suppl. allow ex- empt. if not al- ready al- lowed on 1984 reg. roll or on prior 1984 suppl. assessment	Allow 100 percent if the claim form is filed by 4-15-85. 80 per- cent may be al- lowed if claim is filed on or before 12-01-85 THE SUPP. CLAIM FILED 6-4-85 MEETS THIS REQ.
2. The assessor is required to send the new owner a claim form on or before 03-15-85 per Sec. 255.3, R&T Code.							
3. The claim form for the reg. roll (filed by 4-15-85) may apply for the supple. assessment <u>unless</u> the 31st day for filing subsequent to the notice falls prior to the date of filing for the reg. roll.							

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e.

<u>Acquired</u>	<u>Moved In</u>	<u>Date of Notice</u>	<u>Date Filed</u>	<u>30 Days</u>	<u>Last Date Late File</u>	<u>Supple. Exemption Allowed</u>	<u>Next Reg. Roll</u>
08-20-83	08-26-83	08-01-84	10-01-84	08-31-84	12-01-83	NO	YES
1. Occupied on 6th of 90 days - OK		1. Claim filed on 61st day of 30 days - NO EXEMP.			No late filing avail. as time to file 8-31-84 is nine months after 12-1-83	Claim not filed within 30 days of notice	80% ex- emption should be allowed based on late filing the claim on 10-01-84 for 3-1-84.
2. The assessor is required under Sec. 255.3 to send a claim for the reg. roll by 3-15-84.		2. Note that notice was sent nearly a year late.					

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f.

Facts: Claimant purchased vacant land on August 3, 1984, completed construction of a home on November 7, 1984 and moved in on November 9, 1984.

<u>Acquired</u>	<u>Moved In</u>	<u>Date of Notice</u>	<u>Date Filed</u>	<u>30 Days</u>	<u>Last Date Late File</u>	<u>Supple. Exemption Allowed</u>	<u>Next Reg. Roll</u>
08-03-84	11-09-84	10-15-84	11-12-84	11-14-84	12-01-84		
1st Supp. (Raise value of land only)							
1. Occupied on 98th day of 90 days - NO EXEMPTION		1. Claim filed on 28th day of 30 days - OK				1st Suppl. not allowed not occupied until 98th day	The 11-12-84 claim is basis for one-time filing for 3-1-85 and subsequent years.
2nd Supp. Assessment (value of the structure)							
08-03-84 11-07-84	11-09-84 11-09-84	01-09-85	01-24-85	02-08-85	12-01-84		
1. Occupied on 2nd of 90 days - OK		1. Claim filed on 15th of 30 days - OK				2nd Suppl. allow. occupied and filed claim on time.	

B. EXPLANATION (Welfare, exemptions subject to Section 270 late filing deadline)

As there are no "limitations" on the amount of the exemptions other than for the homeowner (\$7,000), disabled veteran (\$40-60,000 and \$100,000) and veteran (\$4,000) the exemption to be allowed for a supplemental assessment may be 100 percent of the assessed amount assuming all of the property is used in an exempt manner and the claim is filed timely.

1. Think of the "year" of the supplemental assessment.
 - a. July 1, 1985 - June 30, 1986 is "1985."
 - b. July 1, 1984 - June 30, 1985 is "1984."
 - c. July 1, 1983 - June 30, 1984 is "1983."
2. Think of the last date for filing for type of exemption involved (in this example the welfare exemption.)
 - a. In 1a above, the last date to file and receive 90 percent exemption is March 1, 1986, a claim filed after that date may receive 85 percent exemption; \$250 maximum tax (Section 270, Revenue and Taxation Code is applicable).
 - b. In 1b above, the last date to file and receive 90 percent exemption is March 1, 1985, a claim filed after that date may receive 85 percent exemption; \$250 maximum. As March 1, 1985 has passed a 1984 claim is only subject to 85 percent exemption; \$250 maximum tax.
 - c. In 1c above, the last date (March 1, 1984) to file and receive 90 percent exemption has passed; a claim filed in 1985 or thereafter would be subject to 85 percent exemption; \$250 maximum tax.
 - d. In 2a, b, and c above, the claimant may receive 100 PERCENT EXEMPTION IF THE CLAIM IS FILED WITHIN 30 DAYS FROM THE DATE OF NOTICE even though the notice is mailed a few days, few weeks, year or more after the change of ownership or completion of new construction.

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3. EXAMPLES (Welfare Exemption - Section 270 is applicable)

a.

<u>Acquired</u>	<u>Moved In</u>	<u>Date of Notice</u>	<u>Date Filed</u>	<u>30 Days</u>	<u>Dates to File Late</u>	<u>Supple. Exemption Allowed</u>	<u>Next Reg. Roll</u>
08-20-83	08-24-83	08-01-84	10-01-84	08-31-84	90% if filed by 3-1-84	<u>For 1983 Suppl.</u>	1. Claimant may file to exempt 8-20-83 - 6-30-84 under Sec. 271.
1. Occupied on 4th of 90 days - OK for 1983 suppl.		1. Filed on 61st day of 30 days - not timely for 1983 suppl.			85% if filed after 3-1-84	1. Yes, 85% exemp- tion as claim filed after 3-1-84	2. Claimant must file for 3-1-84 to exempt 7-1-84 to 6-30-85.
						2. 3-1-84 filing not ac- ceptable for 1983 Suppl. 1983 Suppl. unknown as of 3-1-84	3. Claimant must file for 3-1-85 to exempt 7-1-85 to 6-30-86.

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b.

<u>Acquired</u>	<u>Moved In</u>	<u>Date of Notice</u>	<u>Date Filed</u>	<u>30 Days</u>	<u>Dates to File Late</u>	<u>Supple. Exemption Allowed</u>	<u>Next Reg. Roll</u>
04-01-84	06-23-84	08-01-84	11-10-84	08-31-84	<u>1st suppl. assessment is for 1983, 90% if filed by 3-1-84</u>	<u>For 1983 Suppl.</u>	1. Claimant may file to exempt 4-1-84 - 6-30-84 under Sec. 271.
1. Occupied on 83rd of 90 days - OK <u>for 1983 Suppl.</u>		1. Filed on 101st day of 30 days - not timely.		85% if filed after 3-1-84		1. Yes, allow 85% ex- emption claimant filed late	
04-01-84	06-23-84	08-01-84	11-10-84	08-31-84	<u>2nd Suppl. Assess. is for 1984.</u>	<u>For 1984 Suppl.</u>	2. Claimant must file for 3-1-85 to exempt 7-1-85 to 6-30-86.
1. Occupied on 83rd of 90 days - OK <u>for 1984 Suppl.</u>		1. Filed on 101st day of 30 days - not timely.		90% if filed by 3-1-85		2. Yes, allow 90% ex- emption on 2nd suppl. assess.	
		2. Claim for suppl. filed 11-10-84, not acceptable for 1985 filing for reg. roll (Suppl. could be for add-on only financial state- ments could be out of date for 1985.)		85% if filed after 3-1-85			

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C.

<u>Acquired</u>	<u>Moved In</u>	<u>Date of Notice</u>	<u>Date Filed</u>	<u>30 Days</u>	<u>Dates to File Late</u>	<u>Supple. Exemption Allowed</u>	<u>Next Reg. Roll</u>
01-02-85	02-28-85	03-01-85	04-10-85	03-31-85	<u>For 1984 Suppl.</u> 90% if filed by 3-1-85, 85% if filed after 3-1-85	85% ex- emption allowed on 1984 Suppl.	1. Claimant may file to exempt 1-2-85 to 6-30-85. under Sec. 271
1. Occupied 57th of 90 days - OK		1. Filed on 40th day of 30 days - not timely.					2. Claimant must file for the req. roll by 3-15-85 or it is late filed.
							3. Claim filed 4-10-85 may or may not contain sufficient information for suppl. and reg. roll. If construction of another building occurred between 1-2-85 and 1st suppl. 2-28-85 the claim would not be acceptable. (Claim would be late for 1985 regular roll.)

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If you have questions or suggestions, please call William L. Grommet, Exemption Officer, his phone number is (916) 445-4982.

Sincerely,

Verne Walton

Verne Walton, Chief
Assessment Standards Division

VW:wpc
AL-04C-2427A